

133



37 AF  
3731

PATENT

Atty. Docket No. 2620 (203-2764)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Timothy Wells, et al.

EXAMINER: Jessica R. Baxter

SERIAL NO.: 09/865,774

GROUP ART UNIT: 3731

FILED: May 25, 2001

DATED: June 2, 2004

FOR: **TROCAR ASSEMBLY WITH CUSHIONED ACTIVATOR**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
**Mail Stop: Appeal Brief - Patents**

**SURREPLY BRIEF**

RECEIVED  
JUN 10 2004  
TECHNOLOGY CENTER R3700

Sir:

In response to the Examiner's Supplemental Answer mailed April 15, 2004,  
please consider the following remarks.

**REMARKS**

Prior to addressing the substantive issues raised in the Examiner's Supplemental Answer, Applicants wish to take note of the fact that the filing of an Examiner's Supplemental Answer was improper. More specifically, 37 C.F.R. 1.193(b)(1) and MPEP 1208.03 clearly state that "[a] supplemental examiner's answer is not permitted, unless the application has been remanded by the Board of Patent Appeals and

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 2, 2004.

Dated: June 2, 2004

James M. Loeffler